

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BOB A PUGH,

Plaintiff,

v.

SUSAN DREYFUS et al.

Defendants.

CASE NO. C13-5295 RBL-JRC

REPORT AND RECOMMENDATION
TO DENY IN FORMA PAUPERIS
STATUS

NOTED FOR:

JUNE 21, 2013

This 42 §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges Rules MJR 1, MJR 3, and MJR 4.

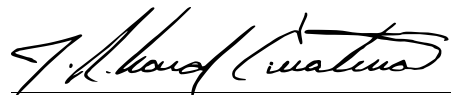
Plaintiff seeks in forma pauperis status (ECF No. 3). The Court recommends denial of the application because plaintiff has failed to fill out completely the proper form and because he has not sworn under penalty of perjury that the financial information he provides to the Court is correct.

Plaintiff initially sent the Court an application for in forma pauperis status on an improper form (ECF No. 1). Plaintiff had not signed the complaint. The Court sent back the correct form and the signature page of the complaint for the plaintiff's signature (ECF No. 2). Plaintiff sent back the signed signature page of the complaint and the proper in forma pauperis application, but he did not sign the application under penalty of perjury (ECF No. 3). Instead plaintiff signed only the portion of the application that authorizes the Court to collect payments from proceeds of any recovery that plaintiff may obtain (ECF No. 3).

28 U.S.C. 1915(a)(1) gives the Court the authority to grant an in forma pauperis application if the person seeking in forma pauperis submits an affidavit. Plaintiff's affidavit is not in proper form as it was not signed under penalty of perjury. The Court has broad discretion in denying an application to proceed in forma pauperis. *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963).

The Court recommends denial of the application because it is not in proper form. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of de novo review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on June 21, 2013, as noted in the caption.

Dated this 29th day of May, 2013.



J. Richard Creatura
United States Magistrate Judge